

proceeding against such non-residents growing out of any accident or collision in which operating a motor vehicle or motorcycle on any public highway or public street in this State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 14, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 147, A bill to be entitled "An Act relating to bills of exception in district and county courts; enacting Article 2237a of Chapter 11, Title 42, of the Revised Civil Statutes of 1925, relating to practice in the district and county courts; requiring district and county judges to state the qualification of any bill of exception presented by either party to a suit and place such qualification in the record upon the trial of the case at the time the exception is reserved; enacting provisions designed to require prompt action on the part of the district or county judge in acting on bills of exception presented to him and outlining the procedure in case such judge does not comply with the Statute; providing that this Act shall apply to civil and criminal cases, repealing all laws or parts of laws conflicting herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment as follows: Substitute "ten" days for "five" day period as mentioned in Line 23, Section 1.

WOODWARD, Chairman.

#### SEVENTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, January 16, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.  
Berkeley.  
Cunningham.  
Gainer.  
Greer.  
Hardin.  
Holbrook.  
Hornsby.  
Hyer.  
Martin.  
McFarlane.  
Miller.  
Moore.

Neal.  
Parr.  
Parrish.  
Pollard.  
Russek.  
Small.  
Thomason.  
Westbrook.  
Williamson.  
Wirtz.  
Witt.  
Woodul.  
Woodward.

Absent.

Stevenson.

Absent—Excused.

DeBerry.  
Love.

Patton.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Berkeley:

S. B. No. 187, A bill to be entitled "An Act appropriating the sum of \$25,000.00 to co-operate with the Department of the Interior of the United States Government to investigate reservoir sites and reservoir conditions on the Pecos River; authorizing the Governor to draw upon such funds and regulating the expenditure thereof, and creating an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator McFarlane:

S. B. No. 188, A bill to be entitled "An Act relating to county debts and warrants and bonds issued by or for counties; better regulating and restricting the same so as to prevent counties from anticipating future revenues and creating excessive debts; enacting provisions as to time warrants and bonds to fund and refund county indebtedness; making certain exceptions and exemptions; enacting other provisions incidental to the

main purpose of the Act; and creating an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 189, A bill to be entitled "An Act providing for the establishing, organization, management, direction and maintenance of a State Museum, as a part of the public School system, to be known as the Texas State Museum; constituting a locating board and a board of control for said museum; authorizing the creation of a museum staff and the acceptance of donations of money or collections of museum materials; the acquisition of archaeological, historical, and scientific sites within the State; constituting State parks a department of the museum; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Holbrook, Woodul:

S. B. No. 190, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing streets and roads, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 191, A bill to be entitled "An Act providing for the separation of all public free school affairs in cities or towns from the municipal government therein; providing that all the power and authority over such schools shall be exercised by such cities or towns through their boards of education; providing for the election of trustees of the independent districts authorized herein; vesting the title to school property of such cities and towns in the independent district; authorizing the independent districts to assume outstanding bonds of cities and towns issued for school purposes; repealing all laws and parts of laws in conflict with the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Moore, by request:

S. B. No. 192, A bill to be entitled "An Act to prescribe for the licensing of agents and/or solicitors in the insurance business in this State; defining an agent and defining a solicitor; prohibiting the engaging in such insurance business without license; prohibiting an agent from granting insurance in excess of the value of the subject matter; prohibiting rebating and discriminating; providing penalties for violation of the law and giving to aggrieved party resort to courts and repealing laws in conflict and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Cunningham:

S. B. No. 193, A bill to be entitled "An Act to amend Art. 776 of the Code of Criminal Procedure, 1925, so that it shall not be mandatory upon the trial judge to appoint counsel to represent the defendant, when he has no counsel of his own selection, except in capital cases, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Cunningham:

S. B. No. 194, A bill to be entitled "An Act repealing Article 693 of the Penal Code of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, making it a misdemeanor for any person to give or deliver, or cause to be given or delivered, or be in any way concerned in the gift or delivery of any spirituous, vinous, malt or intoxicating liquors to any person under the age of twenty-one years, without the consent of the parent or guardian of such minor; and further prohibiting any person as the agent of any common carrier, or any person as the agent of any other person, firm or corporation from delivering such liquors to any person under the age of twenty-one years, without the written consent of the parent or guardian of such minor; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Cunningham:

S. B. No. 195, A bill to be entitled "An Act amending Article 2104 of the Revised Civil Statutes of the

State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of Jury Commissioners to select petit jurors; providing for their compensation; prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Cunningham:

S. B. No. 196, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select grand jurors, providing for their compensation and prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Cunningham:

S. B. No. 197, A bill to be entitled "An Act to give to owners of land in amount not to exceed ten thousand acres the right to impound water and to use the same on their own land for domestic, stock raising, farming and irrigation purposes; to relieve said owners from the necessity of getting permits from the State of Texas or the consent of corporations or municipalities before impounding the same; and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Witt:

S. B. No. 198, A bill to be entitled "An Act to establish and maintain an agricultural experiment station in the blacklands region of Texas, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said Board of Directors to establish and maintain the same; to ac-

cept donation of land, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of same, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Witt:

S. B. No. 199, A bill to be entitled "An Act fixing the salary of official shorthand court reporters in judicial districts in counties having two or more full time district courts in addition to transcript fees which such reporters receive under the law, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 200, A bill to be entitled "An Act amending Article 6692 of the Revised Civil Statutes of 1925 so as to fix the compensation of the county tax collector for his services in connection with the registration of motor vehicles and issuing licenses therefor; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 201, A bill to be entitled "An Act amending Article 7249 of the Revised Civil Statutes of 1925 relating to the bond of the county tax collectors; making better provision for such bonds, requiring the county to pay a reasonable amount as the premium on such bonds if same are executed by a surety company or companies; limiting the amount the county shall pay of such premiums to the amount actually paid by the collector; further regulating and limiting such bonds and premiums; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 202, A bill to be entitled "An Act amending Article 6205 as printed in the Revised Civil Statutes of 1925; the same being Article 6267 of the Revised Civil Statutes of 1911 as amended by Chapter 69 of the General Laws of the Regular Session of the Thirty-ninth Legislature, and amending Article 6211 of the Revised Civil Statutes of 1925, so as

to better provide for confederate and other pensions as provided for in the recent constitutional amendment; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 203, A bill to be entitled "An Act to provide for audits of the books and finances of certain incorporated cities and towns, or towns and villages, to be done by an auditor or auditors to be appointed by the district judge; providing for the expense of same and all regulations necessary in connection with such audits and the purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hornsby:

S. B. No. 204, A bill to be entitled "An Act to amend Sections 8, 10, 11 and 12 of Article 8306 of the Revised Civil Statutes and further amending Section 8a of Article 8306 of the Revised Civil Statutes; and further amending Section 13 of Article 8306 of the Revised Civil Statutes; and further amending Article 8306 of the Revised Civil Statutes by adding thereto certain new sections immediately following Section 19 to be known as Sections 19a, 19b, 19c, 19d, 19e, 19f, 19g, 19h, 19i, 19j, 19k, 19l, 19m, 19n, 19o, 19p, 19q, 19r, 19s, 19t, 19u, 19v, 19w, 19x, 19y, 19z, and further amending Article 8307 by adding thereto a new section to be known as Section 11a and by adding a new article to the Revised Civil Statutes immediately following Article 8309 to be known as Article 8310, providing for compensation of the employees, their dependents and beneficiaries by increased maximum compensation allowed under this Act; defining who are included in the Act as beneficiaries; providing that if the injured employee is mentally incompetent or a minor, or is under any other disqualifying cause, that his guardian or next friend may act in his behalf and that in cases of death or permanent total incapacity the Board may designate some person as next friend to act for such mentally incompetent person or minor and may authorize payment of compensation direct to such person without requiring a bond of

security therefor but same shall not apply when compensation is payable in lump sum and for payments of compensation direct to said minors in case of partial incapacity or temporary total incapacity; providing that the association and employer, when notified that an accident or death has occurred, to make investigation and report the details thereof to the Board; providing that it shall be the duty of the Board when requested, when claim has been appealed, to make out a transcript of its award and other documents or evidence, free of charge, and forward to the court where the appeal is pending; providing that when an employee or his beneficiaries appeal from an award and order of the Board no bond or security of cost shall be required; providing that notice of the issuance of the policy of insurance or certified copy thereof filed with the Board, as required by Section 18a of Article 8308 of the Revised Civil Statutes, shall be prima facie evidence of the issuance of such policy and that it shall not be necessary to offer other secondary evidence thereof; providing that the claimant or beneficiary may demand and require the production of said policy or a certified copy thereof by giving certain notice; providing that when said policy of insurance is issued same shall be deemed and held to be in the terms of the Workmen's Compensation Act and that any employee having elected to come under the Act and his beneficiaries shall be protected thereby; providing that the proceeding of the Board shall be presumed to be regular; providing that the provisions of this Act prescribing a date or period within which an act or duty shall be performed, shall be deemed directory only and no failure to perform such act or duty shall affect the validity of any determination in the matter by the Board or employee or beneficiaries unless it shall appear that substantial injustice has resulted; providing that this Act shall be liberally construed by the Board and the courts; providing that if any article hereof is held unconstitutional, same shall not affect the remainder of the Act; providing that the Board shall be empowered to do all necessary things in addition to those especially authorized to enable it to accomplish

purposes and objects of the Act; providing that whenever any employer while a policy of insurance is in effect shall sell, transfer, assign, incorporate, or otherwise dispose of his business he shall give notice thereof to each and every employee and the transferee or assignee shall be obligated to see that notice is properly given, otherwise, if injury occur, no one of the defenses as set out in Section 1 of Article 8306 of the Revised Civil Statutes shall be available to such transferee or assignee; providing where permanent injury is suffered to more than one of the members for which schedule is fixed in Section 12 of this Article the separate schedule for such members shall not apply and recovery shall be determined by the Board in accordance with the percentage of impairment actually suffered; providing that in addition to the causes set out in Section 12d of Article 8306 of the Revised Civil Statutes as grounds for revision, review and reopening of an award, an additional ground, to-wit, newly discovered evidence shall be available; providing that if a subscriber enters into a contract with an independent contractor to do subscriber's work, then the association will be liable to pay compensation to the employees or their beneficiaries if compensation would be payable to them, if the independent contractor or sub-contractors were subscribers; providing that Section 12b of Article 8306 of the Revised Civil Statutes dealing with hernia is hereby repealed and hernia injuries shall be hereafter subject to general provisions of the Act; providing that Section 12 of Article 8307 of the Revised Civil Statutes hereby is repealed; providing that Section 6 of Article 8307 of the Revised Civil Statutes is hereby repealed; providing that when the Board shall have passed upon a claim of compensation it shall be conclusively presumed in any subsequent hearing or trial that notice of injury and claim were properly given and shall not be inquired into further; providing that when a claim for compensation shall have been filed with the Board it shall be conclusively presumed to have been filed in the name of and for the use and benefit of all persons who are then or who may thereafter be shown to

be interested in said claim and shall be set down for a hearing after notice to interested parties; providing that attorneys' fee shall be paid direct to the attorneys and that it shall not be necessary to make the attorney party to the suit, nor is said attorney liable for cost of court; providing that where claim has been appealed, a certified copy of the award or judgment shall be filed in the trial court for jurisdictional purposes and such certified copy of the award and judgment shall be conclusive evidence that notice of injury and notice of claim have been properly made and filed and it shall not be necessary for the claimant to prove the same, unless issue shall be made thereon prior to the trial and the association shall file sworn pleadings denying the same and the burden shall be upon the association to show that injury has resulted by reason thereof; providing each employer shall obtain from his employee the name and address of said employee's nearest relatives or next of kin and shall forward the same with notice of injury to the Board; providing that a notice given under the provisions of this Act shall not be held invalid or insufficient by reason of inaccuracy unless it be shown that the association was misled to its injury and want of notice or delay in giving notice shall not be a bar to proceedings under this Act if it be shown that the employer, his agent or representatives had knowledge of the accident or death, the association has not been prejudiced by such delay and want of notice; providing that no limitation of time shall run against any person who is mentally incompetent or a minor, so long as he has no guardian or next friend or person appointed to receive his compensation; providing that no agreement by employee to pay any portion of the premium paid by his employer to the association shall ever be valid and any employer making a deduction upon the wages or salary of the employee shall be deemed guilty of misdemeanor and upon conviction shall be fined One Hundred Dollars (\$100.00); providing every contract of hire shall be presumed to be made subject to the provisions of this Act and it shall be presumed, without notice, that the parties have elected to be sub-

ject to be bound by the provisions of this Act and in cases of the employment of minors the provisions of this Act shall be deemed to apply unless notice be given by the parent or guardian of the minors; providing that the association shall make to the Board all requested reports that are designed to furnish information on any claim or claims and upon failure to make report within reasonable time, the Board shall certify the action of the association to the Commissioner of Insurance who shall revoke and cancel his permit of the association to do business in Texas; providing that in all cases arising under this Act they shall be given precedence as to their trial in submission in all courts of this State, and providing that where the Workmen's Compensation Act not herein amended has been settled by judicial construction, said construction shall become and is as much a part of the Act, as the text itself; providing that no inchoate, vested, matured or existing right shall be in any way affected by the amendments herein but they shall remain in full force and effect; that all laws in conflict herewith are hereby repealed; that the importance of the Act creates an emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house and that this Act shall be in force and effect from and after its passage."

Read first time and referred to Committee on Labor.

By Senator Parrish:

S. B. No. 205, A bill to be entitled "An Act to repeal Sections Nos. 14, 15, 16, 17, 18, 19, and 20 of House Bill No. 23, Chapter No. 26, General Laws of the Regular Session of the Thirty-ninth Legislature, said sections being a part of the Head Light Law; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parrish:

S. B. No. 206, A bill to be entitled "An Act creating a more efficient road system for Lamb County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools,

machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Lamb County to issue bonds of said county for the purpose of funding or refunding indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners' court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Neal:

S. B. No. 207, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory school attendance; repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Neal, Beck, and others.

S. B. No. 208, A bill to be entitled "An Act to provide for the vocational rehabilitation and placement of physically disabled persons; to make an appropriation of \$10,000.00 for the year 1929-1930 and \$15,000.00 for the year 1930-1931 to make the law effective, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Neal.

S. B. No. 209, A bill to be entitled "An Act enacting provisions designed to compel the sending in to the seat of government and to the Secretary of State of returns in elections and primary elections; defining offenses and providing for penalties and remedies to accomplish such purpose; and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Parr:

S. B. No. 210, A bill to be entitled "An Act to amend Article 7332 of Chapter 10, Title 122, of the Revised Civil Statutes of the State of Texas of 1925, relating to fees in delinquent tax suits, and declaring an emergency."

Read first time and referred to Committee on State Affairs

By Senator Greer:

S. B. No. 211, A bill to be entitled "An Act to amend Articles 2745, 2747, R. S. 1925, pertaining to the term of office of trustees in common school districts; providing for filling vacancies in said office; repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Moore, by request:

S. B. No. 212, A bill to be entitled "An Act to amend Title 42, Chapter 8, and Article 2185, 2186, 2187, and 2190 of the Revised Statutes of 1925, relating to the charges of courts in civil cases, providing that objections to such charges shall be dictated to the court reporter, providing that such objections shall be transcribed and filed by the court reporter and shall constitute bills of exception and the charge, requiring the court to indicate to the parties before the argument to the jury begins the issues he has decided to submit and providing that the charge shall not be read to the jury until the argument closes and that the court may require special charges to be submitted to him before the argument begins."

Read first time and referred to Committee on Civil Jurisprudence.

#### Senators Excused.

On motion of Senator Beck, Senator DeBerry was excused for the day.

On motion of Senator Woodward, Senator Love was excused for the day.

#### Notice of Hearings.

Senator Wirtz sent up the following notice of hearings:

#### Bills Set for Hearing Before State Affairs Committee.

S. B. No. 132, By Senator Hornsby, An Act to prevent fraud in the purchase of gasoline, etc.

Set for hearing, Tuesday, Jan. 22, 1929.

S. B. No. 77, By Senator Hornsby, An Act providing for the regulation of gin, ginners, etc.

Set for hearing, Tuesday, Jan. 22, 1929.

S. B. No. 125, By Senator Moore, An Act to grant power to either member of the Railroad Commission or any employee designated by the Railroad Commission in all cases coming before the Commission of whatsoever nature to hold hearing, etc.

Set for hearing, Tuesday, Jan. 22, 1929.

S. B. No. 64, By McFarlane, Lobbying Bill.

Set for hearing, Thursday, Jan. 24, 1929.

S. B. No. 129, By Westbrook and Wirtz, Public Utility Bill.

Set for hearing, Thursday, Jan. 24, 1929.

S. B. No. 111, By Wirtz, An Act providing that liens for street improvements created by written contract of the owners or owner \* \* \* shall be superior liens upon such improvement, etc.

Set for hearing, Thursday, Jan. 24, 1929.

WIRTZ

Chairman, State Affairs Committee.

#### S. J. R. No. 11.

Senator Cunningham sent up the following resolution:

Proposing an amendment to Section 50, Article 3, of the Constitution of the State of Texas, authorizing the Legislature to lend the credit of the State of Texas to the cotton growers of the State of Texas for the purpose of stabilizing the price of cotton by issuing and selling bonds of the State in an amount not to exceed fifty million dollars for a revolving fund with which the State can buy, store and sell cotton and to empower the legislature to levy and collect an equalization fee on cotton not to exceed one dollar a bale, to pay the interest on said bonds and to create an emergency fund to be used in case

of loss and to further stabilize the price of cotton by authorizing the legislature to pass laws reasonably limiting the acreage planted in cotton; and also to create a cotton commission to fix the price of cotton and to buy, store and sell cotton.

Read first time and referred to Committee on Constitutional Amendments.

#### S. J. R. No. 12.

Senator Parr sent up the following resolution:

S. J. R. No. 12, Proposing an amendment to the State Constitution providing that the term of office of all State, district and county officers, whose term under the present Constitution and laws is less than four years, shall be four years, and that every such officer shall hold his or her office for the remainder of the present term for which he or she was appointed or elected, and thereafter he shall be appointed or elected, as the case may be, for a term of four years; providing for an election on said proposed amendment, and making an appropriation for same.

Read first time and referred to Committee on Constitutional Amendments.

#### S. J. R. No. 13.

Senator Woodward sent up the following resolution:

S. J. R. No. 13, Proposing an amendment to the Constitution of the State of Texas, providing for a Supreme Court of nine members, and for continuous session of that court.

Woodward, Wirtz, Martin, Holbrook, Witt, Hornsby, Hyer, Small, Berkeley, Moore, McFarlane, Parrish, Parr, Russek.

Read first time and referred to Committee on Constitutional Amendments.

#### S. B. No. 32 Re-referred.

On motion of Senator Woodward, S. B. No. 32 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Criminal Jurisprudence.

#### Message from the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following message:

Executive Department,  
To the Senate of the State of Texas,  
Capitol.

Gentlemen:

I hand you herewith a list of the persons appointed by me to the offices set opposite their names, and for the statutory term of office next ensuing, subject to confirmation by the Senate, viz:

Jane Y. McCallum, Secretary of State.

Robert L. Robertson, Adjutant General.

W. R. Ely, Member Highway Commission.

Chas. McKamey, Commissioner of Labor Statistics.

F. C. Weinert, Tax Commissioner.

B. F. Williams, State Reclamation Engineer.

Clem C. Fain, Jr., Agent of Alabama and Cooshatta Indians.

Tom L. McCullough, Gus A. Amundsen, Jr., Member Texas Historical Board.

W. S. Pope, Casualty Insurance Commissioner.

J. W. DeWeese, Fire Insurance Commissioner.

Hon. P. A. Martin, (vice McKinsey,) Presiding Judge of Eighth Administrative Judicial District of Texas.

Hon. W. R. Chapman, (vice Woodward,) Presiding Judge of Seventh Administrative Judicial District of Texas.

Hon. J. P. Pool, (vice Green), Presiding Judge of Fourth Administrative Judicial District of Texas.

Joseph D. Sayers, Stanhope Henry, Member Board of Pardon Advisers.

F. M. Law, Byrd E. White, Walter Lacy, Member Board of Directors of the Agricultural & Mechanical College of Texas.

J. W. Fitzgerald, (vice Flowers), A. B. Mayhew, Member Board of Regents of State Teachers' Colleges.

W. H. Slay, S. C. Rowe, A. C. Barnes, N. L. Davis, O. O. Touchstone, Board of Managers of the North Texas Junior Agricultural and Industrial College.

J. A. Holzman, E. C. Smotherman, E. F. Lanham, J. P. Mockford, G. W. Ireland, F. G. Cook, W. R. Sanderson, State Board of Veterinary Medical Examiners.

A. W. Gould, W. P. Delafield, W. T. Beard, Maxwell C. Murphy, B. F. Theilen, H. W. Hoffer, State Board of Dental Examiners.



E. A. Camp, E. S. Orgain, L. R. Stoddard, John LeGory, W. T. Beavers, B. B. Hollis, W. H. Richardson, State Mining Board.

C. R. Wharton, Chester H. Bryan, Mrs. Earl Amerman, San Jacinto State Park Commissioners.

Respectfully submitted,  
DAN MOODY,  
Governor.

Executive Department,  
Austin, Texas, Jan. 15, 1929  
To the Senate of the State of Texas,  
Capitol.

I hand you herewith supplemental list of persons appointed by me to the offices set opposite their names, and for the statutory terms of office next ensuing, subject to the confirmation of the Senate, viz:

Richard Kink, J. A. Whitten, J. B. Anderson, Live Stock Sanitary Commission.

Mrs. Eloween Mesch, (three year term), Mary Grigsby, (three year term), Lena Baker Thomas (two year term), Grace Engblad, (two year term), Member Board of Nurse Examiners.

Ed. S. Russell, Erwin Joseph, Paul Carroll, John A. Weeks, C. Bryan Dean, Mrs J. Wallace Brosig, T. A. Allison, The Texas State Board of Pharmacy.

Mrs. Arthur Hartman Mrs. S. W. Lowe, J. J. Marek, The Washington State Park Commission.

Respectfully submitted,  
DAN MOODY,  
Governor.

#### Senate Bill No. 69.

Senator Woodul received unanimous consent to take up out of its regular order the following bill:

S. B. No. 69, A bill to be entitled "An Act to provide for the extension of the term of oil and Gas Permits Nos. 11652, 11653, 11655, 11680 and 11681 from a period of two years to a period of five years from their respective dates."

On motion of Senator Woodul, the rule requiring committee reports to lie over 24 hours was suspended and the committee report was adopted.

The bill was read second time.

Senator Woodul sent up the following amendment:

Amend Senate Bill No. 69 by adding the following after the caption thereof, "and declaring an emergency."

Read and adopted.

The bill as amended was passed to engrossment:

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 69 was placed on its third reading by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

#### Senate Bill No. 174.

Senator Holbrook received unanimous consent to take up out of its regular order the following bill:

S. B. No. 174, A bill to be entitled "An Act providing for the office of district attorney in the Second Judicial District of Texas to perform the duties of a district attorney under the Constitution and laws of

this State, providing that the present district attorney in said district shall hold his office to and including December 31, 1930, and declaring an emergency."

On motion of Senator Holbrook, the rule requiring committee reports to lie over twenty-four hours was suspended and the committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 174 was placed on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

Senate Bill No. 158.

Senator Small received unanimous consent to take up out of its regular order the following bill:

S. B. No. 158, A bill to be entitled "An Act to amend House Bill 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House Bill 52, Chapter 42, created the Eighty-fourth Judicial District, the amendment extending the said House Bill 52, Chapter 42, in force; and providing that same shall be revised and be extended beyond the time of its expiration, so that it would not expire within the two years from the time that it took effect, as was provided in said Chapter 42; providing that the Eighty-fourth Judicial District shall continue in force to be composed of the counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill; also providing that the Thirty-first Judicial District shall hereafter comprise only the counties of Roberts, Wheeler, Gray and Lipscomb; prescribing the time for the holding of terms of court in said districts in the various counties comprising same; providing that the judges and district attorneys who are now, or have been elected and holding offices in said districts shall continue to hold the same for the full statutory and constitutional time in said districts as changed; prescribing the jurisdiction of the district courts in the Thirty-first and Eighty-fourth Judicial Districts; providing for district attorneys in the two (2) said districts, assisting each other in the performance of their duties; and providing that all cases pending in certain counties of the Eighty-fourth Judicial District Court not in the Thirty-first District shall upon the taking effect of this Act be immediately transferred by the clerk of said court to the docket of the district court of the Thirty-first Judicial District; and providing that all cases pending in certain counties in the Thirty-first Judicial District Court, not in the Eighty-fourth District shall upon the taking effect of this Act, be immediately transferred by the clerk of said court to the docket of the district court of the Eighty-fourth Judicial District, and shall thereafter be disposed by the district court of the respective districts as though such

cases had been originally filed therein; and providing that all process and writs issued out of, and all bonds and recognizances made and entered into, and all grand and petit juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the district court in and for the several counties as herein fixed, as though issued and served for such terms in the districts as changed, and all such process, writs, bonds and recognizances taken before, or issued in the various counties affected by this Act shall be as valid as though no change had been made in the two (2) districts or in the time of holding the court therein; enacting the proper provisions relative to the Thirty-first Judicial District in order to conform the same and the law relative thereto to the purposes and provisions of this Act, whether mentioned in detail in the caption or not; making proper provisions for the time of holding courts in various counties in the Thirty-first Judicial District and the Eighty-fourth Judicial District; enacting the necessary provisions incident to the main purposes and subject to the Act; whether mentioned in detail in the caption or not; providing for terms of court in the Eighty-fourth Judicial District, and providing that this Act shall continue in force until otherwise provided by law; and providing that if any district court of the Thirty-first or Eighty-fourth Judicial District be in session in any of the counties when this Act takes effect, the same shall continue and end its terms under such existing laws as if no change in time of holding court in said districts had been made; and providing that all process, writs, judgments, decrees and other proceedings in said courts, during such time, shall be valid and shall not be affected by the changes in the times of holding courts therein made; and providing that grand and petit juries may be selected under the direction of the trial judge by the sheriff in either of the said courts herein provided for any term thereof, whenever it appears to the trial judge that it was not practical for any reason to have had jury commissioners at the preceding term to select such juries or draw same; and providing that no term of court shall

fail by reason of the expiration of this Act, but shall continue in effect if in session at a time when the House Bill 52, Chapter 42, expires; and also providing that if the Eighty-fourth District should expire by reason of the time limitation before this Act takes effect, that all cases, both civil and criminal, which had by operation of law been transferred from the Eighty-fourth District to the Thirty-first District, shall be upon the taking effect hereof, transferred back to the said Eighty-fourth District Court by operation of law, and further providing for an appropriation of money from the State Treasury for salaries and expenses of the district judge and district attorney of the Eighty-fourth Judicial District, and declaring an emergency."

On motion of Senator Small, the rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

The bill was read second time. and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 158 was placed on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Martin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Greer.
Berkeley.	Hardin.
Cunningham.	Holbrook.
Gainer.	Hornsby.

Hyer.	Small.
Martin.	Stevenson.
McFarlane.	Thomason.
Miller.	Westbrook.
Moore.	Williamson.
Neal.	Wirtz.
Parr.	Witt.
Parrish.	Woodul.
Pollard.	Woodward.
Russek.	

Absent—Excused.

DeBerry.	Patton.
Love.	

#### Senate Bill No. 2.

The chair laid before the Senate on its third reading the following bill:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

DeBerry.	Patton.
Love.	

#### Simple Resolution No. 31.

Senator Pollard sent up the following resolution:

Whereas, God in his infinite Wisdom has taken to His Heavenly Home, Honorable Frank Patton, the beloved father of the Honorable Nat Patton, a distinguished member of this Senate.

Now, Therefore be it Resolved, that the Senate extend its sympathy to the Honorable Nat Patton and the

members of his family, and that the Senate adjourn today out of respect to the memory of the Honorable Frank Patton.

Thomas G. Pollard, J. W. E. H. Beck, Miss Margie E. Neal, W. E. Thomason, Julien P. Greer, Tom DeBerry, Ed Westbrook, Joe M. Moore, Thomas B. Love, Will M. Martin, Edgar E. Witt, Charles S. Gainer, Gus Russek, Walter Woodul, T. J. Holbrook, J. W. Stevenson, A. J. Wirtz, John W. Hornsby, Carl C. Hardin, Eugene Miller, W. D. McFarlane, Oliver Cunningham, Walter C. Woodward, W. A. Williamson, A. Parr, Julien C. Hyer, Benjamin Franklin Berkeley, Pink L. Parrish, C. C. Small.

Read and adopted unanimously by rising vote.

#### Senate Bill No. 46.

Senator McFarlane received unanimous consent to take up out of its regular order the following bill:

S. B. No. 46, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Regular Session of the Thirtieth Legislature, Chapter 12, Special Laws, entitled, 'An Act creating an independent school district to be known as the Quanah Independent School District, including within its limits the municipal corporation of the town of Quanah, Hardeman County, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board,' so as to add certain territory lying and being adjacent to Quanah Independent School District No. 16, in Hardeman County, Texas, and declaring an emergency."

On motion of Senator McFarlane, the rule requiring committee reports to lie over 24 hours was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane,

the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was placed on its third reading and final passage by the following vote:

**Yeas—27.**

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

**Absent—Excused.**

DeBerry.	Patton.
Love.	

The bill was read third time and passed finally by the following vote:

**Yeas—27.**

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

**Absent—Excused.**

DeBerry.	Patton.
Love.	

**Senate Bill No. 128.**

Senator Greer received unanimous consent to take up out of its regular order the following bill:

S. B. No. 128. A bill to be entitled "An Act relating to the duties of the County Board of Trustees of public schools in this State, in all counties having an area of not more than one thousand seventy-five (1075) square miles and not less than nine hundred thirty (930) square miles, and a population of not less than thirty-four thousand three hundred, (34-

300) and not more than thirty-four thousand five hundred, (34,500) according to the 1920 Federal Census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of Independent and Common School Districts, create additional districts, consolidate two or more adjacent districts; subdivide any districts; revise or rearrange the boundaries of any district; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the County Board of School Trustees; providing other matters and things necessary and incidental to the main purpose and subject to this Act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

On motion of Senator Greer, the rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 47.**

Senator McFarlane received unanimous consent to take up out of its regular order the following bill:

S. B. No. 47, A bill to be entitled "An Act authorizing the commissioners' court of Young County, Texas, to pay their traveling expenses while supervising highway construction; limiting the amount of said expense; providing same shall terminate January 1, 1931; and declaring an emergency."

On motion of Senator McFarlane, the rule requiring committee reports to lie over one day was suspended.

The committee report, carrying a committee substitute bill, was adopted.

The bill was read second time.

On motion of Senator McFarlane the bill was then laid on the table subject to call.

**Executive Session.**

At 11:00 o'clock a. m., the Chair announced that the hour for the executive session to consider nominations by the Governor had arrived. The chamber was cleared and the doors were locked.

**After Executive Session.**

At the conclusion of the executive session, the Secretary of the Senate informed the Journal Clerk that the Senate had adopted the committee report which was as follows:

Committee Room,  
Austin, Texas, Jan. 15, 1929.  
Hon. Barry Miller, President of the Senate.

We, your Committee on Governor's Nominations, to whom were referred nominations made by Governor Dan Moody, having had the same under consideration, beg leave to make the following report:

We report the following names to the Senate, with the recommendation that they be confirmed:

To be members on the Commission to aid the Court of Criminal Appeals, Hon. A. B. Martin of Hale County, Hon. George E. Christian of Burnet County.

To be member on Commission of Appeals, Section "A", Hon. Richard Critz of Williamson County; Section "B", Hon. C. A. Leddy of Dallas County.

To be State Prosecuting Attorney, Hon. A. A. Dawson of Van Zandt County.

To be Justices of Courts of Civil Appeals, Hon. J. F. Hickman, Chief Justice of the Court of Civil Appeals for the Eleventh Supreme Judicial District (of Stephens County); Hon. O. C. Funderbunk of Eastland County, Associate Justice of the Court of Civil Appeals for the Eleventh Supreme Judicial District.

To be member of the Board of Pardon Advisors, Hon. Stanhope Henry of Atascosa County.

To be Game, Fish and Oyster Commissioner, Mr. William J. Tucker of Gregg County.

To be State Fire Insurance Commissioner, Mr. J. W. DeWeese of Lamar County.

To be State Casualty Insurance Commissioner, Hon. W. S. Pope of Jones County.

To be State Life Insurance Commissioner, Hon. R. B. Cousins, Jr., of Palo Pinto County.

To be State Service Officer, Hon. Strayton M. Hankins of Childress County.

To be Banking Commissioner, Mr. James Shaw of Williamson County.

To be State Mine Inspector, Mr. N. M. Bullock of Milam County.

To be member of State Examiners of Land Surveyors, Mr. L. L. Farr of Tom Green County.

To be members on Compensation Claim Board (Cotton) Hon. C. R. Buchanan of Scurry County, Mr. W. A. Dulin of Mitchell County, Mr. T. H. Holbert of Mitchell County.

To be members of Texas Library and Historical Commission, Rev. R. L. Irving of Jeff Davis County, Miss Elizabeth Houston of Bexar County.

To be member of Board of Water Engineers, Mr. C. S. Clark of Cameron County.

To be members of Board of Dental Examiners, Dr. Maxwell Murphy of Bell County, Dr. B. F. Thielan of Lamar County, Dr. H. W. Hoffer of Kaufman County.

To be member of the Board of Nurse Examiners, Mrs. Grace Engblad of Harris County.

To be members of the State Board of Health: Dr. Joe Gilbert of Travis County (6 year term), Dr. A. A. Ross of Caldwell County (6 year term), Dr. E. W. Wright of Montague County (4 year term), Dr. C. M. Rosser of Dallas County (4 year term), Dr. W. A. King of Bexar County (2 year term), Dr. J. M. Frazier of Bell County (2 year term).

To be member of Board of Regents of State Teachers Colleges, Hon. J. O. Guleke of Potter County.

To be members of the Board of Directors of the Technological College, Mr. F. E. Clarity of Tarrant County, Hon. Houston Harte of Tom Green County.

To be member of State Industrial Commission, Mr. L. L. Shields of Coleman County.

To be member of Board of Examiners in Optometry, Dr. Edward T. Jenison of Bexar County.

To be member of Board of Control, Hon. Claude D. Teer of Travis County.

To be Indian Agent of the Ala-

bama and Cooshattie Indian tribes, Mr. Clem F. Fain, Jr., of Polk County.

To be District Judges:

Fifty-first Judicial District Court, Hon. J. P. Hill of Tom Green County.

One Hundredth Judicial District Court, Hon. A. J. Fires of Childress County.

Sixty-first Judicial District Court, Hon. Ben F. Wilson of Harris County.

Fiftieth Judicial District Court, Hon. Ollie Newton of Baylor County.

Twenty-sixth Judicial District Court, Hon. W. H. Nunn of Williamson County.

First Judicial District, Hon. W. A. Ramsey of San Augustine County.

Criminal District Court No. 2, of Harris County, Hon. Langston King.

Seventeenth Judicial District Court, Hon. Frank P. Culver, Jr., of Tarrant County.

Thirtieth Judicial District Court, Hon. A. D. Montgomery of Wichita County.

To be Judge of the County Court at Law of Cameron County, Hon. John I. Kleiber of Cameron County.

To be District Attorneys:

One Hundredth Judicial District, Hon. David M. Fitzgerald of Hall County.

Eighty-third Judicial District, Hon. Roy R. Priest, Upton County.

Thirtieth Judicial District, Hon. R. O. Kenley, Jr., of Wichita County.

Thirty-second Judicial District, Hon. Geo. H. Mahan of Mitchell County.

Thirty-seventh Judicial District, Hon. Lamar Seeligson of Bexar County.

Eighty-fourth Judicial District, Hon. J. A. Holmes of Hutchinson County.

To be members of the Board of Commissioners of Pilots for Mouth of Brazos River and Bar, Messrs. C. J. Rogan, Percy Beacroft, Gilmer Dingle, Charles Skinner and E. C. Tobey, all of Brazoria County.

To be members of the Board of Pilots for Aransas Pass and River, Corpus Christi Bay, and Tributaries Navigation District, Messrs. George R. Clark, E. J. Miller of Nueces County, Mr. John C. Sorenson of Aransas County, Mr. W. A. Scrivner of San Patricio County, Mr. Ed Shoemaker of Nueces County.

To be members of Board of Commissioners of Pilots for Sabine District, Hon. H. L. McNeill of Orange County.

To be Branch Pilots:

Mouth of Brazos River and Bar District—Mr. C. L. McKee of Brazoria County, Mr. S. W. Hudgins of Brazoria County, Mr. E. G. Smith of Brazoria County, Mr. Wm. Allan of Brazoria County.

Aransas Pass and River, Corpus Christi Bay and Tributaries District—Messrs. C. B. Walker, Dan Anderson and Cooper B. Walker of Nueces County; Mr. S. C. Mathews of San Patricio County; Messrs. C. S. Spinney, J. E. Cotter and G. M. Roberts of Nueces County.

Sabine Bar District—Messrs. C. S. West and E. E. Sanford of Jefferson County.

Brazos DeSantiago Bar, Harbor and Rio Grande River and Bar District—Mr. Wallace L. Reed of Cameron County.

To be Public Weighers at Corpus Christi, Texas—Mr. Frank W. Cook and Mr. M. B. Roddy.

To be Public Weighers of Harris County—Messrs. Geo. Prowse and H. C. Hix of Houston.

To be Public Weighers of Jefferson County—Messrs. A. N. Wolfston and Roland Jones, Jr., of Beaumont.

To be Public Weighers of Hunt County—Messrs. Henry Blalack and J. H. Franklin of Greenville.

To be Public Weigher of Fort Worth—Mr. W. L. Goodwin.

To be Public Weigher at Gainesville—Mr. Frank Cummins.

To be Public Weigher at Sherman—Mr. R. L. Campbell.

To be Park Commissioners of San Jacinto Battle Grounds—Hon. C. B. Wharton, Hon. Chester H. Bryan and Mrs. Earl Amerman, of Houston.

To be Commissioners of Gonzales State Park—Mrs. W. T. Dunning, Mrs. Ken E. Cardien and Mrs. B. N. Peck, Jr., all of Gonzales.

To be Commissioners of Washington State Park—Mr. T. A. Lowe and Mr. J. J. Marek of Brenham.

To be members of Texas Prison Board—Dr. A. Henry Cohen, Galveston County, and Hon. F. L. Tiller, Fort Bend County.

Respectfully submitted,  
WILLIAMSON, Chairman.

**Message From the Governor.**

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following list of notaries public to be confirmed:

(Printed after the proceedings of the last day's session.)

**Executive Session Announced.**

On motion of Senator McFarlane, the Senate voted to go into executive session to consider nominations by the Governor at 11:00 o'clock Thursday morning, provided the Committee on Governor's Nomination had reported.

**Message From the House.**

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,  
Austin, Texas, Jan. 16, 1929

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. C. R. No. 2, Approving the proposal of the Legislature of Florida to have the several Southern States take Co-operative action in support of the Southland Memorial Association, etc.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**H. C. R. No. 2**

H. C. R. No. 2, was read and referred to the Committee on Finance.

**Adjournment.**

On motion of Senator Moore, the Senate, at 11:30 o'clock a. m., adjourned until 10:00 o'clock Thursday morning.

**APPENDIX****Petitions and Memorials.**

Senator Neal sent up the following petitions:

Whereas, the Federated Church Societies of Marshall, Texas, in body assembled, expresses disapproval of the Sunday picture show, feeling it

to be a violation of the Divine Command to remember the Sabbath Day and keep it holy, we ask that this petition be signed for the purpose of sending it to our representatives to request them to exercise their power to prevent the repeal of the present Sunday law and make the penalty of its non-observance greater.

(Signed by numerous citizens.)

Marshall, Texas.

January 7, 1929.

Hon Ben Woodall,

Member of the House of Representatives, Capitol Station,  
Austin, Texas.

Dear Sir:

We are submitting an additional list of names to be appended to the resolution already submitted to you by the Federated Church Societies. A few men asked especially to have their names added which were included at their request and not because of our solicitation.

Thanking you in advance for your kindness.

Publication Committee: Mrs. Franklin Young, Mrs. L. H. Hanley, Mrs. Paul Whalley, Mrs. F. M. Lowery, Mrs. J. C. Monigold.

(Numerously Signed.)

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, Jan. 16, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 174 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee Reports.**

Committee Room,

Austin, Texas, Jan. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We your committee on Public Health to whom was referred.



S. B. No. 75, A bill to be entitled "An Act to amend articles 4513, 4514, 4516 and 4523, Chapter 7, Revised Statutes of Texas, of 1925, providing for the appointment of a board of Nurse Examiners; prescribing their qualifications and duties; providing how meetings of said Board shall be called; providing for the appointment of an Educational Secretary and prescribing her qualifications and duties; and providing for the issuance of temporary permits to graduate nurses under certain conditions and prescribing the fee to be paid therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate that it do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Jan. 15, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We your committee on Public Health, to whom was referred

S. B. No. 126, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners, etc. and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Jan. 15, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We your committee on Public Health, to whom was referred

S. B. No. 181 A bill to be entitled, "An Act requiring the labeling of mattresses and pillows sold, offered for sale, delivered, consigned or possessed with intent to sell; providing for the revenue for enforcing this act; providing for the machinery for its enforcement; enacting necessary provisions incident thereto; making appropriations and declaring an emergency."

Have had the same under consideration and I am instructed to report

it back to the Senate that same do pass.

BECK, Chairman.

Committee Room,  
Austin, Texas, Jan. 11, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 83, A bill to entitled, "An Act abolishing the office of Game, Fish and Oyster Commissioner and creating the Game, Fish and Oyster Commission; vesting all of the authority, power, duties and functions of said Commissioner in the Game, Fish and Oyster Commission created and provided for in this Act; providing for the appointment, compensation, bond, duties and functions of said Game, Fish and Oyster Commission; providing for an executive Secretary, assistant executive secretary to be appointed by the Commission and providing for all necessary Game and Fish Wardens, division heads and other employees of said Game, Fish and Oyster Commission; changing the laws of the State of Texas in such respects as shall be necessary in order to carry out the purposes of this Act; enacting the necessary matters and things incidental to the purpose and subject of this Act; making the necessary appropriations out of the State Treasury; providing when this Act shall take effect, declaring the rule of construction, repealing all laws and parts of laws in conflict herewith, and declaring emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, Jan. 15, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 174, A bill, to be entitled, "An Act providing for the office of District Attorney in the Second Judicial District of Texas to perform the duties of a District Attorney under the Constitution and laws of this State; providing that the present District Attorney in said District shall hold his office to and including December 31, 1930; and declaring an emergency."

Have had same under consideration and beg to report back to the Senate that it do pass and be not printed.

HARDIN, Vice Chairman

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred

S. B. No. 186. A bill to be entitled, "An Act authorizing incorporated cities having less than 100,000 population according to the last United States census, and a city of more than 43,000 inhabitants according to said census, to dispose of property which has been designated for public park purposes and which has never been used for that purpose on account of being unsuitable; prescribing regulations to accomplish said purposes; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate favorably with the recommendation that it do pass and be not printed.

BERKELEY, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 27, A bill to be entitled, "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this state, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business, setting out the terms of said bond and providing penalties for violation thereof; and repealing Articles 6904 and 6908, Title 121, Chapter 3 of the Revised Civil Statutes of Texas 1925; and repealing Article 1447, 1449 and 1450, Title 17, Chapter 11 of the Penal Code of the State of Texas adopted in 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 145, A bill to be entitled "An Act to repeal Article 6899 Title 121, Chapter 1, of the Revised Civil Statutes of 1925, and, declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 41, a bill to be entitled "An Act to amend Article 5510 of the Revised Civil Statutes of the State of Texas so as to limit the amount of land that may be recovered under the ten year statute, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 42, A bill to be entitled "An Act to add to the Revised Civil Statutes Article 5510A, providing that all claims asserted by anyone not holding under a written memorandum of title duly registered, under the ten years Statute of Limitation, under what is commonly called the 160 acre Statute, or its predecessor, the 640 acre Statute, shall assert such claim by filing suit therefor against the owner of the record title in a court of competent jurisdiction before June 1, 1934, or such claim or title shall not thereafter be asserted in the State as against the record owner of said land, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 43, A bill to be entitled "An Act to amend Article 5513 of the Revised Civil Statutes of Texas by adding thereto a proviso to the effect that the defense of innocent purchaser shall be available against such limitation claims and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.  
WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 117, A bill to be entitled "An Act providing for the giving of notices to the United States Veteran's Bureau of the filing of all annual and other accounts and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United States Veteran's Bureau and providing for collections of fees therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 118, A bill to be entitled "An Act amending Article 4233 Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the 39th Legislature, so as to provide for the removal of guardians without notice when notices or other process of courts cannot be served upon them on account of their whereabouts being unknown, and declaring an emergency."

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass.  
WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 119, A bill to be entitled "An Act amending Article 4143 Chapter 4 Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the 39th Legislature, by adding thereto a provision whereby the county judge may authorize the payment of bond premiums out of the estate of the ward, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.  
WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 120, A bill to be entitled "An Act amending Article 4234 Chapter 10 Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the 39th Legislature, so as to provide for the removal of a guardian after being cited to answer, when he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian and when he becomes of unsound mind or an habitual drunkard or is sentenced to imprisonment for a term of years, and when, if he be the guardian of the person, he cruelly treats the ward or neglects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.  
WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred S. B. No. 121, A bill to be entitled "An Act amending Article 4148, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county judge to decrease the amount of a guardian's bond whenever in his opinion a smaller bond than the one in effect would be adequate to protect the estate of the ward, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 122, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 123, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54, of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without re-

gard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 16, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 124, A bill to be entitled "An Act amending Article 4142, Chapter 4, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to sureties upon guardians' bonds, by adding thereto a provision authorizing the county judge to require corporate sureties on guardians' bonds in certain cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Jan. 15, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act authorizing the commissioners' court of Young County to pay their traveling expenses while supervising highway construction; limiting the amount of said expense; providing same shall terminate January 1st, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute hereto attached do pass in lieu thereof, and being a local bill, that it be not printed.

WIRTZ, Chairman.

By McFarlane. C. S. S. B. No. 47.

**A BILL**

**To Be Entitled**

An Act authorizing the commissioners' court in any county having a population of not less than 13,300 and not more than 13,400 according to the last preceding United States census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair on each automobile used by him without further expense to the county; limiting the duration of this Act; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. In any county in this State having a population of not less than 13,300 and not more than 13,400, according to the last United States census, the commissioners' court is hereby authorized to allow each commissioner the sum of \$55.00 per month for traveling expenses and depreciation on his automobile. Each such commissioner shall pay all expenses in the operation of such automobile and keep same in repair free of any other charge to the county. This Act shall terminate and shall have no force or effect on and after January 1, 1931.

Sec. 2. The fact that in the class of counties affected by this Act there is great need that the county pay the expenses of the county commissioners as provided for in this Act on account of large bond issues voted and sold for road and bridge purposes, thus increasing the necessity of such county commissioners traveling from place to place, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended and that this Act shall take effect and be in force from and after its passage and said rule is hereby suspended and it is so enacted.

Committee Room,

Austin, Texas, Jan. 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 158, A bill to be entitled "An Act to amend House Bill No. 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House Bill No. 52, Chapter 42, created the Eighty-fourth Judicial District, the amendment extending the said House Bill No. 52, Chapter 42, in force, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HARDIN, Vice-Chairman.

By Senator Small. S. B. No. 158.

**A BILL**

**To Be Entitled**

An Act to amend House Bill No. 52, Chapter 42, of the General and Special Laws passed by the Fortieth Legislature at its Regular Session, which said House Bill No. 52, Chapter 42, created the 84th Judicial District, the amendment extending the said House Bill No. 52, Chapter 42, in force; and providing that same shall be revised and be extended beyond the time of its expiration, so that it would not expire within the two years from the time that it took effect, as was provided in said Chapter 42; providing that the 84th Judicial District shall continue in force to be composed of the Counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill; also providing that the 31st Judicial District shall hereafter comprise only the counties of Roberts, Wheeler, Gray, and Lipscomb; prescribing the time for the holding of terms of court in said Districts in the various counties, comprising same; providing that the Judges and District Attorneys who are now or have been elected and holding offices in said Districts shall continue to hold the same for the full statutory and constitutional time, in said Districts as changed; prescribing the jurisdiction of the District Courts in the 31st and 84th Judicial Districts; providing for District Attorneys in the two (2) said Districts, assisting each other in the performance of their duties; and providing that all cases pending in certain counties of the 84th Judicial District Court not in the

31st District shall upon the taking effect of this Act be immediately transferred by the Clerk of said Court to the docket of the District Court of the 31st Judicial District; and providing that all cases pending in certain counties in the 31st Judicial District Court, not in the 84th District shall upon the taking effect of this Act, be immediately transferred by the Clerk of said Court to the docket of the District Court of the 84th Judicial District, and shall thereafter be disposed of by the District Court of the respective Districts as though such cases had been originally filed therein; and providing that all process and writs issued out of, and all bonds and recognizances made and entered into, and all Grand and Petit Juries drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Court in and for the several counties as herein fixed, as though issued and served for such terms in the Districts as changed, and all such process, writs, bonds and recognizances taken before, or issued in the various counties affected by this Act shall be as valid as though no change had been made in the two (2) districts or in the time of holding the court therein; enacting the proper provisions relative to the 31st Judicial District in order to conform the same and the law relative thereto to the purposes and provisions of this Act, whether mentioned in detail in the caption or not; making proper provisions for the time of holding Courts in various counties in the 31st Judicial District and the 84th Judicial District; enacting the necessary provisions incident to the main purposes and subject to the Act; whether mentioned in detail in the caption or not; providing for terms of Court in the 84th Judicial District, and providing that this Act shall continue in force until otherwise provided by law; and providing that if any District Court of the 31st or 84th Judicial District be in session in any of the Counties when this Act takes effect, the same shall continue and end its term under such existing laws as if no change in time of holding Court in said Districts had been made; and provid-

ing that all process, writs, judgments, decrees and other proceedings in said Courts, during such time, shall be valid and shall not be affected by the changes in the times of holding Courts therein made; and providing that Grand and Petit Juries may be selected under the direction of the trial Judge by the Sheriff in either of the said Courts herein provided for any term thereof, whenever it appears to the trial Judge that it was not practical for any reason to have had Jury Commissioners at the preceding term to select such juries or draw same; and providing that no term of Court shall fail by reason of the expiration of this Act, but shall continue in effect if in session at a time when the House Bill No. 52, Chapter 42, expires; and also providing that if the 84th District should expire by reason of the time limitation before this Act takes effect, that all cases, both Civil and Criminal, which had by operation of law been transferred from the 84th District to the 31st District, shall be upon the taking effect hereof, transferred back to the said 84th District Court by operation of law; and further providing for an appropriation of money from the State Treasurer for salaries and expenses of the District Judge and District Attorney of the 84th Judicial District, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The 31st Judicial District of the State of Texas shall be composed of the Counties of Roberts, Wheeler, Gray and Lipscomb.

Sec. 2. The terms of District Court for the 31st Judicial District of the State of Texas shall for and during the year A. D. 1929, be held as follows:

Beginning in Wheeler County on Monday, January 28, 1929, and may continue in session seven weeks; and beginning in Wheeler County on Monday, August 5th, 1929, and may continue in session seven weeks.

Beginning in Gray County, on Monday, March 18, 1929, and may continue in session ten weeks; and beginning in Gray County, on Monday September 23, 1929, and may continue in session ten week.

Beginning in Roberts County, on Monday, May 27th, 1929, and may continue in session one week; and beginning in Roberts County on Monday, July 22, 1929, and may continue in session two weeks.

Beginning in Lipscomb County, on Monday, June 3rd, 1929, and may continue in session two weeks; and beginning in Lipscomb County on Monday, December 2nd, 1929, and may continue in session two weeks.

Sec. 3. The terms of the District Court of the 31st Judicial District of the State of Texas for and during the year A. D. 1930, and each year thereafter shall be held in said District for the said year 1930, and each year thereafter as follows:

Beginning in Roberts County, on the 1st Monday in January of each year, and may continue in session two weeks; and also beginning in Roberts County on the 3rd Monday in July of each year, and may continue in session two weeks.

Beginning in Wheeler County on the second Monday after the first Monday in January of each year, and may continue in session seven weeks; and also beginning in Wheeler County on the second Monday after the third Monday in July of each year, and may continue in session seven weeks.

Beginning in Gray County on the ninth Monday after the first Monday in January of each year, and may continue in session twelve weeks; and also beginning in Gray County on the ninth Monday after the third Monday in July of each year and may continue in session twelve weeks.

Beginning in Lipscomb County on the twenty-first Monday after the first Monday in January of each year, and may continue in session two weeks; and also beginning in Lipscomb County on the twenty-first Monday after the third Monday in July of each year, and may continue in session two weeks.

Sec. 4. The 84th Judicial District of the State of Texas shall be composed of the Counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill, and the terms of the District Court therein for the year A. D. 1929, shall be held as follows:

Beginning in Carson County on Monday, February 4th, 1929, and may continue in session four weeks; and beginning in Carson County on

Monday, July 22nd, 1929, and may continue in session four weeks.

Beginning in Hansford County, on Monday, March 4th, 1929, and may continue in session two weeks; and beginning in Hansford County on Monday, August 19, 1929, and may continue in session two weeks.

Beginning in Ochiltree County, on Monday, March 18th, 1929, and may continue in session four weeks; and beginning in Ochiltree County on Monday, September 2nd, 1929, and may continue in session two weeks.

Beginning in Hemphill County, on Monday, April 1st, 1929, and may continue in session four weeks; and beginning in Hemphill County on Monday, September 16th, 1929, and may continue in session four weeks.

Beginning in Hutchinson County, on Monday, April 29th, 1929, and may continue in session ten weeks; and beginning in Hutchinson County, on Monday, October 14th, 1929, and may continue in session ten weeks.

Sec 5. The terms of the District Court of the said 84th Judicial District of the State of Texas for and during the year 1930, and each year thereafter, shall be held as follows:

Beginning in Carson County, on the first Monday in January of each year, and may continue in session four weeks; and also beginning in Carson County on the fourth Monday in July of each year, and may continue in session four weeks.

Beginning in Hansford County, on the fourth Monday after the first Monday in January of each year, and may continue in session two weeks; and also beginning in Hansford County on the fourth Monday after the fourth Monday in July of each year, and may continue in session two weeks.

Beginning in Ochiltree County, on the sixth Monday after the first Monday in January of each year, and may continue in session two weeks; and also beginning in Ochiltree County on the sixth Monday after the fourth Monday in July of each year, and may continue in session two weeks.

Beginning in Hemphill County, on the eighth Monday after the first Monday in January of each year, and may continue in session four weeks; and also beginning in Hemphill County on the eighth Monday after the fourth Monday in July of each year, and may continue in session four weeks.

Beginning in Hutchinson County on the 12th Monday after the first Monday in January of each year, and may continue in session eleven weeks; and also beginning in Hutchinson County on the 12th Monday after the fourth Monday in July of each year, and may continue in session eleven weeks.

Sec. 6. At any term of said Courts where Grand Jury or Petit Jury may not have been drawn or selected by the Jury Commissioners at the preceding term of either of said Courts, whenever it appears to the trial Judge holding any term of court that it was not practical for any reason to have selected a Grand Jury or Petit Jury by the Jury Commissioners at the prior term of the Court, the said Judge shall proceed to have a Jury selected by the Sheriff and the same shall be a legal and valid Jury of the trial of either Civil or Criminal cases and it is further provided that the Judge of either of said districts may, when impaneling a Jury Commission, order jurors, either Grand Juries or Petit Juries, for succeeding term of either of said Districts as in his discretion may appear best.

Sec. 7. Should any District Court of the 31st or 84th Judicial District be in session in any of the counties of said districts under existing laws when this Act takes effect, such court shall continue and end its term under such existing law and if no change in the time of holding court in said districts has been made and all process writs, judgments, decrees and other proceedings in said courts during such time, shall be valid to all intents and purposes, and shall not be affected by the changes in the times of holding court therein made by this Act after the period provided in the above contingency the District Courts of the respective counties herein mentioned shall be held in conformity with the terms as herein prescribed.

Sec. 8. It is specially provided that should House Bill No. 52, Chapter 42, of the laws of the Fortieth Legislature at its regular session expire by its terms before this Act takes effect, the same shall not have the effect to discontinue the offices of the District Judge or District Attorney who have heretofore been elected for the 84th Judicial District or for the 31st Judicial District, but said

officers shall continue to hold their respective positions for the statutory and constitutional terms without the necessity of appointment or re-election for the same terms to which they have heretofore been elected. It is hereby expressly enacted that should House Bill No. 52, Chapter 42, the Acts of the Fortieth Legislature, expire by its terms within the two (2) years that was provided therein, that any term of court which is in session at the time of the expiration of said Act shall not thereby be adjourned or annulled, but that said term of court shall continue in session for the time that it was prescribed in the said House Bill No. 52, and thereupon the succeeding terms of Court shall be opened and held in conformity with this amendment.

Sec. 9. The District Attorney of the 31st Judicial District may upon request of the District Attorney of the 84th Judicial District assist the said District Attorney in the trial of any criminal or habeas corpus case pending in the District Court of said 84th Judicial District in any of the counties therein, and likewise, the District Attorney of the 84th Judicial District may upon request of the District Attorney of the 31st Judicial District assist said District Attorney in the trial of any criminal case or habeas corpus case pending in the said District court of the 31st Judicial District in any of the counties therein, and in all such cases the District Attorney so assisting to receive the same compensation for such services as is now provided by law for such services in the District for which he is appointed or has been elected, but nothing herein shall be construed as limiting the authority of the District Attorneys of the two Districts from having absolute control and management of criminal cases and habeas corpus cases which are tried in their respective Counties.

Sec. 10. All cases pending in the 84th Judicial District Court as heretofore constituted in the Counties of Roberts, Wheeler, Gray and Lipscomb, shall upon the taking effect of this Act, be immediately transferred by the Clerk of said Court to the docket of the District Court of the 31st Judicial District, and shall thereafter be disposed of by the District Court of the 31st Judicial District as though such cases had been orig-



inally filed therein, likewise, all cases pending in the 31st District Court as heretofore constituted in the Counties of Carson, Hutchinson, Hansford, Ochiltree and Hemphill, shall upon the taking effect of this Act, be immediately transferred by the Clerk of said Court to the Docket of the District Court of the 84th Judicial District, and shall thereafter be disposed of by the District Court of the 84th Judicial District, as though such cases had been originally filed therein.

Sec. 11. All process and writs issued out of, and bonds and recognizances, made and entered into, and all Grand and Petit Juries, drawn before this Act takes effect shall be valid for and returnable to the next succeeding term of the District Court in and for the several counties as herein fixed, as though issued and served for such terms in the Districts as changed, and returnable to and drawn for the same, and all such process, writs, bonds and recognizances taken before issued in the various counties affected by this Act, shall be as valid as though no change had been made in the various districts or in the time of holding the terms of court therein.

Sec. 12. All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Sec. 13. If a section, paragraph or provision of this Act be held or declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs and provisions of this Act, but the same shall remain in full force and effect.

Sec. 14. It is expressly provided that the District Judge of either the 84th or 31st Judicial Districts may call a special term in any County of his District as provided by law without any action by the Administrative Presiding Judge and that such special term may continue as a valid and legal term in any County when called, notwithstanding that the same court may be in session in another county or counties and neither of said terms shall fail by reason thereof.

Sec. 15. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, Twenty-two thousand Six Hundred (\$22,600.00) for salaries and ex-

penses of District Judge and District Attorney of the 84th Judicial District, for the period beginning at the date of the taking effect of this Act and ending August 31st, 1931.

Sec. 16. The rapid settlement of the Counties proposing said Judicial Districts and the unprecedented increases in litigation in said Counties and the crowded condition of the dockets of the District Courts affected by this Act creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred

S. B. No. 90, A bill to be entitled "An Act authorizing certain incorporated cities to acquire and maintain recreational parks and playgrounds outside of the city limits; limiting the amounts of land that may be acquired for such purpose; providing for the necessary funds to such purpose; providing regulations for the operation, maintenance and support of such parks and playgrounds; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, support, maintenance and operation of said parks and playgrounds for the benefit of the general public; providing for the closing of roads running through any such grounds or parks; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate favorably, with the recommendation that it do pass and be printed in the Journal.

BERKELEY, Chairman.

By Holbrook.

S. B. No. 90.

#### A BILL

#### To Be Entitled

An Act authorizing certain incorporated cities to acquire and maintain recreational parks and playgrounds outside of the city limits; limiting the amounts of

land that may be acquired for such purpose; providing for the necessary funds to such purpose; providing regulations for the operation, maintenance and support of such parks and playgrounds; enacting all necessary provisions incidental to the general purpose of the Act in providing for the acquisition, support, maintenance and operation of said parks and playgrounds for the benefit of the general public; providing for the closing of roads running through any such grounds or parks and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. That the governing body of any incorporated city in this State having more than 40,000 inhabitants may receive through gift or dedication and is hereby empowered to, by purchase without condemnation or by purchase through condemnation proceedings, acquire and thereafter maintain and conduct for the use of the public as recreational parks or playgrounds, either or both, tracts of land without the corporate limits of such city, no one of such parks or playgrounds which may be acquired by purchase or through condemnation proceedings to exceed 320 acres in area and the total acreage outside the limits of the city which may be acquired by purchase and through condemnation proceedings, either or both, shall never exceed 640 acres.

Sec. 2. For the purpose of condemning or purchasing without condemning, either or both, lands to be used and maintained as provided in Section 1 hereof, the governing body of any city falling within the terms of such section may issue negotiable bonds of the city and levy taxes to provide for the interest and sinking funds of any such bonds so issued, the authority hereby given for the issuance of such bonds and levy and collection of such taxes to be exercised in accordance with and subject to the provisions of Chapter 1 of Title 22 of the Revised Civil Statutes of 1925.

Sec. 3. Any and all recreational parks and playgrounds acquired under and by virtue of the terms of this Act shall be under the control and management of the governing

body of the city acquiring the same and such governing body is hereby expressly authorized and empowered to improve, maintain and conduct the same for the benefit of the public and to provide, improve, maintain and conduct suitable recreational facilities therein and in connection therewith and to fix such reasonable charges as the board shall deem fit for the use of such recreational facilities by members of the public, all proceeds from such charges to be devoted exclusively to the support, maintenance, upkeep and improvement of the city's parks and playgrounds and the facilities, structures and improvements therein. Provided, that no city shall be liable for injuries to persons resulting from or caused by any defective, unsound, or unsafe condition of any such park or playground, or any part thereof, or thing of any character therein or resulting from or caused by any negligence, want of skill or lack of care on the part of any governing board, officer, servant, employee, or other person with reference to the construction, improvement, management, conduct or maintenance of any such park or playground or any improvement, structure or thing of any character whatever located therein or connected therewith.

Sec. 4. That in addition to and exclusive of any taxes which may be levied and collected for the interest and sinking funds of any bonds issued under the authority of this Act, the governing body of any city falling within the terms hereof may and is hereby empowered to levy and collect a special tax not to exceed for any one year five cents on each one hundred dollars of the assessed value of the taxable property within the city for the purpose of acquiring any such parks or playgrounds, either or both, and such governing body may and is hereby further empowered to levy and collect an annual special tax not to exceed five cents on each one hundred dollars assessed value of the taxable property in the city for the purpose of improving, maintaining and conducting such parks and playgrounds as such city may acquire without its limits under the provisions of this Act and to provide, improve, maintain

and conduct for use in connection therewith all such suitable recreational facilities and structures and other things as such governing body may deem fit. Provided that nothing contained in this Act shall be construed as authorizing any city to exceed the limits of indebtedness placed upon it under the Constitution.

Sec. 5. All parks and playgrounds acquired and maintained under the provisions of this Act shall remain open for the use of the public under such rules and regulations as the governing body having the control and management of the same may from time to time prescribe. However, no person, firm, association of persons, or corporations shall have the right to, in any such park or playground offer anything for barter or sale, or exhibit anything for pay or conduct any place of amusement for which a fee is charged or render personal service for hire without having first obtained from such governing body the privilege of so doing under such rates of payment therefor and other terms as may be agreed upon with such governing body and all revenues arising from the sales of such privileges or concessions shall be devoted to the support, maintenance, upkeep and improvement of the city's parks and playgrounds and the facilities, structures, and improvements therein.

Sec. 6. Nothing contained in this Act shall be construed as repealing any provisions of any special charter of any incorporated city, but shall be deemed and held to be cumulative thereof.

Sec. 7. Any roadway upon which land acquired for park purposes under the provisions of this Act abuts on both sides may be closed by order of the commissioners' court of the county in which said roadway is located, and thereafter all rights which the State may have in and to such roads by reason of previous dedication shall be cancelled and surrendered back to the county.

Sec. 8. The fact that the prompt establishment of recreational parks and playgrounds beyond the corporate limits of large cities in the State is conducive to the health, welfare, and happiness of the inhabitants of such cities and that there is no existing law clearly and

satisfactorily providing for the same creates an emergency and imperative public necessity requiring the suspension of the constitutional rule prescribing that bills be read on three several days in each House, and said rule is hereby suspended, and that this Act take effect immediately upon its passage, and it is so enacted.

Committee Room.

Austin, Texas, Jan. 16, 1929

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 57, A bill to be entitled "An Act to provide for increasing the territorial limits of any city of more than five thousand inhabitants which has adopted a Charter under Home Rule Amendment Article 11, Section 5, of the Constitution; providing for annexation of adjacent territory by a majority vote of the qualified voters of the city affected, and of the territory annexed, and providing for the adjustments upon a just and equitable basis of the bonded indebtedness against the territory annexed, provided such territory annexed has theretofore been included in any irrigation district or water improvement district or water control and improvement district under any of the provisions of the general laws or the constitution and carrying at the time such adjacent territory is annexed to said city, bonded indebtedness or flat rates due, to the irrigation district, water improvement district or water control and improvement district and repealing all laws general or special, in conflict herewith and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed, in the journal.

BERKELEY, Chairman.

By Parr.

S. B. No. 57.

#### A BILL

#### To Be Entitled

An Act to provide for increasing the territorial limits of any city of more than five thousand inhabitants, which has adopted a charter under Home Rule Amendment, Article 11, Section 5, of the Con-

stitution, providing for annexation of adjacent territory by a majority vote of the qualified voters of the city affected, and of the territory annexed; and providing for the adjustment upon a just and equitable basis of the bonded indebtedness against the territory annexed, provided such territory annexed, has theretofore been included in any irrigation district or water improvement district or water control and improvement district under any of the provisions of the General Laws or the Constitution, and carrying at the time such adjacent territory is annexed to said city, bonded indebtedness or flat rates due, to the irrigation district, water improvement district or water control and improvement district, and repealing all laws, general or special, in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Sec. 1. Whenever the City Commission of any city within this State, acting under and by virtue of any Charter adopted under Home Rule Amendment Article 11, Section 5, of the Constitution of this State, shall initiate or order an election for the extension of the territorial limits of said city, to be submitted to the legally qualified property tax paying voters residing within the territorial limits of said city, to determine whether or not the adjacent territory desired to be annexed shall be included within the territorial limits of said city, said City Commissioners shall at the same time order an election to be held at some convenient place within said city limits, so that the legally qualified property tax paying voters residing in the territory contiguous to said city and proposed to be annexed, may appear and cast their vote for the purpose of determining whether a majority of the legally qualified property tax paying voters residing in said territory proposed to be annexed, favor the annexation of said territory proposed to be annexed.

Sec. 2. Whenever an election for the annexation of additional territory is held in accordance with the provisions of the foregoing section, said City Commissioners, when ordering such election for the annexation of said territory, shall prepare

for the legally qualified property tax paying voters, printed ballots containing the following propositions to be voted on thereat:

"For Annexation of additional territory and assumption by the city of all bonded indebtedness and flat rates owing to such Water Control and Improvement District on the territory to be annexed and the levying and collecting of a tax on all property within the city limits sufficient to pay off and discharge said bonded indebtedness and flat rates."

"Against annexation of additional territory and assumption by the city of all bonded indebtedness and flat rates owing to such Water Control and Improvement District on the territory to be annexed and the levying and collecting of a tax on all property within the city limits sufficient to pay off and discharge said bonded indebtedness and flat rates."

Sec. 3 If, at any election to be held under the provisions hereof, a majority of the legally qualified tax paying voters residing within the territorial limits of such city, and those residing within the territorial limits proposed to be annexed, shall each vote in favor of the annexation of such additional territory, said city shall thereby assume all of said bonded indebtedness and flat rates on the territory thus annexed and due such Irrigation District, Water Improvement District or Water Control and Improvement District, or either of them, and shall from thence forth out of the taxes collected on the territory thus annexed pay to said Irrigation District, Water Improvement District or Water Control and Improvement District, said bonded indebtedness and flat rates, owing to such district, or either of them, as same become due and payable, and no city thus annexing such territory shall be entitled to collect any taxes due it from the property owners within the territory annexed until said city shall pay such bonded indebtedness and flat rates, for the current year same become due and payable, and present to said property owner a receipt showing that said city has paid the same.

The Order of Election must give the metes and bounds of the territory to be annexed, and said metes and bounds shall be included and made a part of the Ordinance calling for the election.

The Election herein provided for shall be ordered by the City Commissioners and the returns canvassed and the results declared as is provided by law for other elections pertaining to said City.

Said Ordinance for the election must be issued and public notice given thereof as in other city elections.

Sec. 4. All laws and parts of laws, General and Special, in conflict with this Act are hereby repealed.

Sec. 5. Provided that should any section of this Act be declared unconstitutional it shall not affect any other section, and all other sections shall remain in full force and effect.

Sec. 6 The fact that there is a great uncertainty as to the method of increasing the territorial limits of cities of five thousand or more, with a Charter under Article 11, Section 5, of the Constitution, and the further fact that in many sections of this State, lands adjacent to cities but within the territorial limits of Irrigation Districts, Water Improvement Districts and Water Control and Improvement Districts, are now under heavily bonded indebtedness and flat rates due and owing to Irrigation Districts, and there is no method provided by law of relieving said lands of such bonded indebtedness and flat rates, and if said territory is annexed to any city coming within the provisions of this Act, and is taxed for city purposes the taxes will become of such magnitude and proportion that makes it prohibitive to the owners of such lands, and the further fact that it will be just and equitable in the event that such territory adjacent to any such city is annexed to said city that such taxes due the Irrigation District, Water Improvement District or Water Control and Improvement District, shall be deducted from that of the city taxes, creates an emergency and an imperative public necessity demanding the suspension of the Constitutional Rule requiring bills to be read on three several days in each House of the Legislature, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, Jan. 16, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, the Committee on Towns and City Corporations to whom was referred,

S. B. No. 91, A bill to be entitled "An Act making better provisions for public parks and playgrounds for incorporated cities and towns and counties; making provisions for same when such city or town may own playground or park land outside its limits; providing for such city or town acquiring county owned land for such purpose; providing for co-operation between the county and any city or town in the operation, control and management of parks and playgrounds under certain conditions and circumstances; providing for the closing of roads running through any such playgrounds or parks; and enacting all necessary provisions incidental to such subject and purpose."

Have had same under consideration, and I am instructed to report same back to the Senate favorably, with the recommendation that it do pass and be printed in the Journal.

BERKLEY, Chairman.

By Holbrook.

S. B. No. 91.

#### A BILL

#### To Be Entitled

An Act making better provision for public parks and playgrounds for incorporated cities and towns and counties; making provision for same when such city or town may own playground or park land outside its limits; providing for such city or town acquiring county owned land for such purpose; providing for co-operation between the county and any city or town in the operation, control and management of parks and playgrounds under certain conditions and circumstances; providing for the closing of roads running through any such playgrounds or parks; and enacting all necessary provisions incidental to such subject and purpose.

Be it enacted by the Legislature of the State of Texas:

Section 1. That whenever any incorporated city or town may own land without its limits and devoted to use as a public park or playground, either or both, and which may be con-

tiguous to any land owned by the county in which such city or town is situated and devoted to use as a public park, the governing body of such city or town may purchase for the city or town and the Commissioners Court of such county may sell to the city or town, upon such terms as may be agreed upon, the lands so owned and held by the county, the same to be acquired by the city or town to be used exclusively in connection with its adjacent or contiguous lands devoted to park or playground purposes, either or both, and the land so acquired to be devoted to a like use; or the governing body of such city or town may sell to and the Commissioners Court thereof may buy for such county, upon such terms as may be agreed upon, the lands so owned and held by the city or town, the same to be acquired by the county for the exclusive use in connection with its adjacent or contiguous lands devoted to use as a public park and to be devoted only to such purposes; provided, however, that in all cases of such sales the minimum consideration which may be agreed upon shall be adequate to pay, or provide for the payment of any portion of any unmatured bonded indebtedness which may have been incurred by the seller in originally acquiring the land so sold, all sums to the credit of the sinking fund of such indebtedness to be deducted from the face value of the unmatured bond in determining the outstanding indebtedness within the meaning of this Act, and this provision to in no wise be deemed as prohibiting any agreement upon a greater consideration for the property.

Sec. 2. That whenever the governing body of any incorporated city or town may have under its management and control any property outside of the limits of such city or town and devoted to use as a public park or playground, either or both, and there may be adjacent or contiguous thereto property devoted to use as a public park under the control and management of the Commissioners Court of the county in which such city or town is situated, the governing body of such city or town and the Commissioners Court of such county may, and they are hereby expressly authorized to, by lease or otherwise, upon such terms and for such

period as they may determine, provide for the single management, conduct and control of such contiguous or adjacent properties for the benefit of the public and for the uses to which the same may have been devoted, by vesting the exclusive management, maintenance, conduct and control thereof in either the governing body of the city or town or the Commissioners Court of the county, as may be agreed upon, the vesting of such exclusive management and control in one of such bodies to in no wise affect the power or authority of each of them to contribute such funds as it might lawfully have expended under its own management and control for the maintenance, improvement and upkeep of such parks or playgrounds, or providing, improving, maintaining and conducting suitable recreational facilities, structures and improvements therein or in connection therewith.

Sec. 3 Any roadway upon which land acquired for park purposes under the provisions of this Act abuts on both sides may be closed by order of the Commissioners Court of the county in which said roadway is located, and thereafter all rights which the State may have in and to such roads by reason of previous dedication shall be cancelled and surrendered back to the county.

#### EIGHTH DAY.

Senate Chamber,  
Austin, Texas.

Thursday, January 17, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	